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Response (cont).

REMARKS

Section 103(a) rejection

In the Final Office Action of 7/21/06, all claims (with the exception of claim 51, which is objected to) are rejected under 35 U.S.C. 103(a) over Bates, USPN 5,987,482 (Issued 11/16/1999, filed 9/8/1997). No other references are utilized in this final rejection.

The Applicant respectfully points out that the current application is a continuation of the application 09/015,660, filed on 1/29/98. However, 09/015,660 claimed priority to provisional application 60/036,305, filed 1/29/97. The disclosure in the provisional application 60/036,305 establishes the priority date for the claims in the current application. Thus, the current application has priority over Bates.

The Applicant further points out that this precise argument, regarding the relevance of Bates to the present invention, was made in a June 7, 2004 response to Office Action. In the USPTO's response, dated September 8, 2004, the Examiner accepted this argument, stating, "The rejection of claims. . . as being unpatentable over Bates have been withdrawn in view of Applicant's arguments."

Thus, the USPTO has cited no applicable prior art relevant to the Applicant's claims.

Section 112 rejection

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Claims 45-65 are also rejected under 35 U.S.C. 112, as being indefinite, based on a question regarding the independent claim 45.

Claim 45 is made to:

a method for using a computer system to provide a user interface to an electronic text, comprising in sequence the steps of:

a. presenting, on a display controlled by the computer system, a portion of an outline of said electronic text, wherein:

- i. an element of the text comprises at least one phrase appearing in said electronic text, said at least one phrase comprising at least one word;
- ii. said outline comprises a plurality of elements, wherein elements of the outline comprise copies of elements of said electronic text;
- iii. each element of the outline represents a portion of said electronic text;
- iv. the combined elements of the outline comprise substantially less text than the entire said electronic text;
- v. substantially all portions of said electronic text are represented by at least one element of the outline; and
- vi. the relative positional and hierarchical relationships of elements of the outline correspond to the relative positional and hierarchical relationships of the portions of said electronic text represented by said elements of the outline;

b. in response to user action, said user action consisting only of indicating at least one element of said outline, selecting the entire portion of said electronic text represented by said at least one outline element; and

c. performing an operation exclusively on the portion of electronic text selected in step (b), wherein said operation does not cause the display of said selected electronic text.

According to the Examiner:

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Response (cont).

... it is not clear how to select the entire portion of said electronic text represented by said *at least one outline element*. One outline element, as recited, represents only a portion of said electronic text, which is the **whole document**. Therefore, it is contradictory to select the **whole text** via an outline element which links to only a portion of the whole electronic text. (emphasis added)

It is clear that each element of the outline represents a portion of said electronic text (45.a.iii). Thus, selecting the entire portion of said electronic text represented by said at least one outline element (45.b) refers to selecting only that portion of the text represented by said outline element, and does not refer to selecting "the whole text." Each outline element, as described in the claim and the specification (see page 70, and Figure 13), may be used to select that portion of the text represented by it, not the "whole document" or the "whole text" as misinterpreted by the Examiner. Thus, there is no contradiction in the claim.

The Examiner also requests clarification of claim 47, stating

It is not clear what Applicants means in displaying on the outline at least one result of said operation of said performing such that the relative positional relationships between text corresponding to said at least one operation result and original text element represented by outline elements are maintained on the outline. Please explain.

Claim 47 is made to:

The method of claim 45, further comprising the step of displaying on the outline at least one result of said operation of step (c), such that the relative positional relationships between text corresponding to said at least one operation result and original text elements represented by outline elements are maintained on the outline.

Figure 14 (particularly, element 1450) demonstrates this step. In this example, a search for the term "elector" has been performed on the text in

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chapters 2 and 3. The identified instances of the term "elector" are displayed on the outline block (1420), such that the relative positional relationships between text corresponding to each instance of the term "elector" and the original text elements represented by outline elements (i.e., as represented by the various chapter headings and subheadings on the outline) are maintained on the outline. Thus, the term "elector" is present in Chapter II of the original text under the heading "Majority Rule", and in Chapter III of the original text under the heading "The Legislature" (twice) and "The Executive" (once).

CONCLUSION

The USPTO's Section 103(a) rejection is made over art with priority date that comes after the Applicant's disclosure. Thus, this rejection is improper. The Section 112 rejection was also in error, as explained above. Thus, this application is in full condition for immediate allowance. Should the USPTO choose not to allow this application immediately, the Applicant requests, at a minimum, that the Examiner withdraw the finality of the prior rejection, which clearly was made on improper grounds.

FROM :

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Response (cont).

Very Respectfully,



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Date: 10/15/06

Certificate of Facsimile Transmission

I certify that on the date below, I will fax this communication and attachments, if any, to Group 2178 of the Patent and Trademark Office at the following number: 571-273-8300.

Date: 10/15/06

Inventor's signature: _____

